

REMARKS

Claims 1-14 are all the claims pending in the application.

The Examiner has rejected claims 1-3 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by Lin et al. (U.S. Patent No. 6,366,791). In addition, the Examiner has rejected claims 4-7 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. in view of Yoshino et al. Applicant traverses these rejections because the cited prior art fails to disclose or suggest all of the claim limitations. As shown below, both independent claims, 1 and 8, include downloading melody data that contains tone information.

Claim 1:

means for fetching ***melody data*** from a web-based server apparatus by using said browser function; and
tone setting means for setting ringing tones based on ***tone information contained in said melody data.***

Claim 8:

receiving said desired ***melody data*** from said server equipment;
storing said received desired melody data;
judging whether said stored ***melody data contains tone information;***

On the other hand, Lin et al. discloses downloading ringing tone data from an Internet. However, it does not disclose or suggest downloading melody information that contains tone information. Yoshino also fails to disclose download melody data that contains tone information.

RESPONSE UNDER 37 C.F.R. § 1.111
USSN: 09/759,220

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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